## Cumulative Table of Cases Connecticut Reports Volume 328

## (Replaces Prior Cumulative Table)

A Better Way Wholesale Autos, Inc. v. Commissioner of Motor Vehicles	245
Bouchard v. State Employees Retirement Commission	345
Bozelko v. Statewide Construction, Inc. (Order)	907 256
The field was foreseeable harm.  Burke v. Mesniaeff (Order).  Colon v. Commissioner of Correction (Order).  Connecticut Housing Finance Authority v. Alfaro.  Foreclosure; attorney's fees; certification from Appellate Court; whether Appellate  Court correctly concluded that trial court properly denied defendant's statutory  (§ 42-150bb) motion for attorney's fees; whether § 42-150bb permits award of  attorney's fees when commercial party withdraws action as of right pursuant  to statute (§ 52-80) in response to defense mounted by consumer; claim that  withdrawal of action pursuant to § 52-80 constitutes successful defense under  § 42-150bb.	901 907 134
Cuozzo v. Orange (Order)  Doe v. West Hartford  Summary judgment; reliance on statute (§ 52-593a) that operates to render action timely commenced if process to be served is personally delivered to marshal within limitation period and process is served within thirty days of delivery; certification from Appellate Court; claim that Appellate Court improperly concluded that requirement in § 52-593a (b) that marshal endorse on return of service date on which process was delivered to him was directory rather than	906 172

manaatory; claim that Appeuate Court improperty reversea trial court's aecision	
to grant defendants' motions for summary judgment on ground that admissible evidence properly before trial court was sufficient to create genuine issue of	
material fact concerning whether plaintiff had delivered process to marshal	
within applicable limitation period.	
Glastonbury $v$ . Metropolitan District Commission	326
Declaratory judgment; whether defendant quasi-municipal water company unlaw-	
fully imposed surcharges on plaintiff town; claim that trial court improperly	
$granted\ plaintiff's\ motion\ for\ summary\ judgment;\ adoption\ of\ trial\ court's\ memo-partial\ court's\ memo$	
randum of decision as proper statement of facts and applicable law.	
Griswold v. Camputaro (Order)	904
Harnage v. Lightner	248
$Civil\ action\ against\ state\ employees;\ service\ of\ process;\ personal\ jurisdiction;\ motion$	
to dismiss; dismissal of claims against defendants in their individual capacities	
on ground that plaintiff did not properly serve them pursuant to statute (§ 52-	
57 [a]) governing service of process in civil actions; dismissal of claims against	
defendants in their official capacities on ground that plaintiff did not post	
recognizance bond pursuant to statute ([Rev. to 2013] §§ 52-185 and 52-186);	
remand of case to trial court by Appellate Court to determine whether plaintiff	
was entitled to waiver of recognizance bond requirement; whether Appellate Court	
correctly concluded that trial court properly had dismissed plaintiff's action	
against defendants in their individual capacities for lack of personal jurisdiction; mootness of issue of whether trial court properly dismissed plaintiff's claims	
against defendants in their official capacities on basis of plaintiff's failure to	
post recognizance bond.	
In re Damian G. (Order)	902
In re Jacob W. (Order)	902
Jones v. State	84
Petition for new trial based on newly discovered DNA evidence; whether new evidence	01
satisfied fourth element for granting petition for new trial under Asherman v.	
State (202 Conn. 429) because it would probably produce different result in new	
trial; certification from Appellate Court; claim that Appellate Court should have	
engaged in de novo review of whether new evidence was likely to produce different	
result; whether traditional considerations for applying abuse of discretion stan-	
dard of review were implicated in present case when judge deciding petition for	
new trial did not preside at petitioner's criminal trial and parties agreed that	
new jury would credit new DNA evidence; claim that statute (§ 52-270) that	
authorizes petitions for new trial limited appellate court's review to determining	
whether trial court had abused its discretion; whether new evidence proved that	
it was less likely that petitioner had touched jacket that witness purportedly saw	
him discard after shooting; whether lack of DNA match between petitioner and	
hairs found in victim's car would lead to different result at new trial.	20
Kirby of Norwich v. Administrator, Unemployment Compensation Act	38
Unemployment compensation; whether members of plaintiff's sales force who engaged in door-to-door sales of plaintiff's products were employees of plaintiff	
or independent contractors under Unemployment Compensation Act (§ 31-222	
et seq.); whether trial court correctly determined that plaintiff failed to establish	
that sales representatives were customarily engaged in independently established	
trade, occupation, profession or business of same nature as that involved in	
service performed for plaintiff, as required by part C of ABC test, as set forth in	
§ 31-222 (a) (1) (B) (ii) (I), (II) and (III), which governs determination of	
whether services performed by individual constitute employment; claim that trial	
court interpreted § 31-222 (a) (1) (B) (ii) (III) too narrowly and incorrectly	
concluded that sales representatives were plaintiff's employees; whether trial	
court $properly$ $dismissed$ $appeals$ $from$ $decisions$ of $defendant$ $Employment$ $Secution$	
rity Board of Review; failure of plaintiff to present evidence of factors that court	
may consider under totality of circumstances test for evaluating dynamics of	
relationship between putative employee and employer; claim that this court should	
reconsider and overrule prior case law holding that part C of ABC test is satisfied	
only if putative employee is actually engaged in independently established trade, occupation, profession or business of same nature as that involved in service	
performed for putative employer.	
performed for putative employer. Martinez $v$ . New Haven	1
Narumez v. New Haven	1
and defendant board of education were negligent in failing to properly supervise	

students in auditorium; whether trial court improperly determined that plaintiff schoolchild, who at school during school hours, satisfied imminent harm to identifiable persons exception to governmental immunity; whether plaintiff failed to satisfy imminent harm prong of that exception because he failed to prove that it was apparent to defendants that claimed dangerous condition, namely, students running with safety scissors, was so likely to cause harm that clear and unequivocal duty to act immediately was created; claim that defendants failed to plead governmental immunity as special defense in operative answer; whether trial court, which never expressly ruled on defendants' request to amend their answer to include governmental immunity as special defense, implicitly granted request to amend answer and overruled objection thereto.

	908
Ridgaway v. Mount Vernon Fire Ins. Co.  Insurance; action to recover damages for defendant's refusal to provide coverage under insurance policy it issued to its insured, which had assigned its rights in policy to plaintiffs as part of settlement agreement in related action; motion for nonsuit based on plaintiffs' failure to comply with discovery order; motion to open judgment of nonsuit; certification from Appellate Court; whether Appellate Court incorrectly determined that trial court had abused its discretion in rendering judgment of nonsuit for counsel's failure to comply with order of court; claim that Appellate Court improperly applied proportionality test that applies only to sanctions for violations of discovery orders; whether judgment of nonsuit was proportionate sanction in light of entirety of factual findings; remand for trial court to conduct hearing on sanctions.	60
Rockwell $v$ . Rockwell (Order)	902
St. Juste v. Commissioner of Correction	198
Spencer v. Spencer (Order)	903
State v. Azevedo (Order)	908
State v. Grant (Order)	910
State v. Jackson (Order)	910
State v. Johnson (Order)	905
State v. Josephs	21
Cruelty to animals; claim that statute (§ 53-247 [a]) prohibiting person from unjustifiably injuring animal requires proof that defendant had specific intent to injure animal; whether trial court property concluded that § 53-247 (a) required only general intent to engage in conduct in question; claim that § 53-247 (a) was unconstitutionally vague as applied to defendant's conduct; whether defendant's conduct clearly came within unmistakable core of conduct prohibited under § 53-247 (a); whether evidence was sufficient to convict defendant pursuant to § 53-247 (a).	
State v. Neary (Order)	901
State v. Panek	219
Voyeurism; whether Appellate Court properly upheld trial court's dismissal of	
charges; whether video voyeurism statute (§ 53a-189a [a] [1]) that requires victim to be not in plain view refers to plain view of defendant or plain view of public generally; certification from Appellate Court; whether Appellate Court correctly determined that § 53a-189a (a) (1) plainly and unambiguously referred to plain view of defendant; whether legislature intended not in plain view to refer to plain view of public generally; claim that ambiguity in § 53a-189a (a) (1) should be resolved in defendant's favor under rule of lenity; claim that § 53a-189a (a) (1) was unconstitutionally vague on its face and as applied to defendant's conduct.	
State v. Smith (Order)	906
State v. Stanley (Order).	907

U.S. Bank National Assn., Trustee v. Blowers (Order)	904
Valliere v. Commissioner of Social Services	
Administrative appeal; application for Medicaid benefits; whether trial court prop-	
erly sustained appeal from decision upholding denial of spousal support allow-	
ance; claim that preexisting spousal support order issued by Probate Court	
pursuant to statute (§ 45a-655 [b] and [d]) was binding on Commissioner of	
Social Services in connection with calculation of certain Medicaid benefits; statu-	
tory (§ 17b-261b) right of commissioner to intervene in certain Probate Court	
proceedings, discussed.	
Wiederman $v$ . Halpert (Order)	906